IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO.2146 OF 2006

in

FIRST APPEAL NO.690 OF 2003

Mrs Jamna B.Balchandnani ... Applicant

versus

Lachhman Chuharmal Bhavnani & ors.. Respondents

WITH CIVIL APPLICATION NO. 2147 OF 2006

IN

FIRST APPEAL NO. 691 OF 2003

Rafiudeen Tariq Shaikh ... Applicant

vs

Lachhman Chuharmal Bhavnani & ors ..Respondents

WITH CIVIL APPLICATION NO. 2148 OF 2006

IN

FIRST APPEAL NO. 1163 OF 2004

Tikamdas Wadhumal Kukreja & ors ..Applicants

vs

Lachhman Chuharmal Bhavnani & ors .. Respondents

Mr.Y.S.Jahagirdar, Sr.Counsel with Mr.R.C.Dalal for Applicant

Mr.R.A.Shaikh for Respondent no. 1

CORAM : J.N.PATEL AND SMT ROSHAN DALVI, JJ

DATED: 1st August, 2006

P.C.

1. The applicants (Orig.Respondents) have moved these applications seeking recalling of the order dated 6th March, 2006 which came to be passed in Civil Application Nos.1438 of 2003, 1429 of 2003 and 1430 of 2003.

2. It is submitted by the learned counsel for the applicants that all the three appeals came to be

admitted by a bench of this Court on 7th December, 2004 in which even the applications for seeking stay came to be disposed of without specifically referring to the serial no. of the applications for stay and that is why as there were no orders passed on the respective Civil Applications seeking stay of the order, it came to be listed before the Court and that his how the order dated 6th March, 2006 came to be passed which was due to the fault on the part of the learned counsel appearing for the applicants in not pointing out to the Court that the Civil Applications are already disposed of by this Court by its order dated 7th December, 2004 at the stage of admission of the appeal and that it has been wrongly placed on board.

3. On going through the order dated 7th December, 2004, the litigants and their counsel cannot have any doubt in their mind that this Court has factually disposed of all the Civil Applications while admitting the appeal on 7th December, 2004 and therefore there was no necessity of passing any further order on the said application.

4. The re-listing of the Civil Applications for stay led us in passing of the order dated 6th

March, 2006 which was definitely not an application filed by respondents (Original complainants) for review or recalling of the order on these applications passed on 7th December, 2004 and therefore, we recall the order dated 6th March, 2006 and further make it clear that all these Civil Applications are disposed of in terms of the order dated 7th December, 2004 which particularly finds reference in para nos. 2 and 3 of the said order.

5. The applications therefore, stands disposed of accordingly with costs.

6. We quantify the costs @ Rs.1000/- for each application. The costs to be deposited by the appellants/applicants within a period of two weeks from the date of passing of the order in the account of the Maharashtra State Legal Services Authority, Mumbai.

(Smt Roshan Dalvi, J) **(J.N.Patel,J)**